



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, WEDNESDAY, JUNE 10, 1998

No. 74

Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have told us that You are for us and not against us. Help us to receive Your correctives as well as Your guidance as signs of Your faithful love. In the same way, free us to befriend the struggling, sometimes anxious and insecure person inside of each of us. Encourage us to say with Lincoln, "When I lay down the reins of this administration, I want to have one friend left and may that friend be inside myself."

Make us so secure in Your unqualified grace that we reach out to others with good will and encouragement. Free us from thinking of people in the other party, Republican or Democrat, as opponents.

Father, You know that these are pressured times in the Senate. Grant the Senators a renewed commitment to agree whenever possible, to debate fairly when agreement is not easily reached, and when votes are taken neither gloat over victory nor be discouraged by defeat.

Our times are in Your hands. Shape our destiny as planned. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Georgia, is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning the Senate will immediately proceed to a second attempt to invoke cloture on the pending tobacco bill. As-

suming cloture is not invoked, it will be the leader's intention to try to reach an agreement similar to the agreement reached yesterday with respect to the drug issue. If an agreement can be reached, Members should expect two votes on the marriage penalty issue at 1 or 2 p.m. That would be this afternoon. Following those votes, it is hoped that Members will come to the floor to offer and debate remaining amendments to the tobacco bill. Therefore, votes will occur throughout Wednesday's session of the Senate, with the first vote being on the second attempt to invoke cloture on the tobacco bill.

I thank my colleagues for their attention.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1415, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2433), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underage tobacco usage.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the modified committee substitute for S. 1415, the tobacco legislation.

John Kerry, Bob Kerrey, Kent Conrad, Harry Reid, Paul Wellstone, Dick Durbin, Patty Murray, Richard Bryan, Tom Harkin, Carl Levin, Joe Biden, J. Lieberman, John Glenn, Jeff Bingaman, Ron Wyden, and Max Baucus.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under rule XXII is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute for S. 1415 shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—43

Akaka	Conrad	Hollings
Baucus	Daschle	Inouye
Biden	Dodd	Johnson
Bingaman	Dorgan	Kennedy
Boxer	Durbin	Kerrey
Breaux	Feingold	Kerry
Bryan	Feinstein	Kohl
Bumpers	Glenn	Landrieu
Byrd	Graham	Lautenberg
Cleland	Harkin	Leahy

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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